

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**MARCH 10, 2009**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, March 10, 2009.

Mayor Warmington opened the meeting with a prayer from George Monroe from the Evanston Avenue Baptist Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Lawrence Spataro, Sue Wierengo, Steve Wisneski, Chris Carter, and Clara Shepherd (arrived at 5:35), City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

#### **2009-21 HONORS AND AWARDS:**

##### **A. Outstanding Citizenship Awards.**

Commissioner Wierengo presented Outstanding Citizenship Awards to Justin Brownlee, Jane Buthker and Bernadette Young.

#### **2009-22 CONSENT AGENDA:**

##### **A. Approval of Minutes.** CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, February 24<sup>th</sup>, and the Goal Setting Session that was held on Thursday, February 19<sup>th</sup>.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

##### **B. 2009/2010 Goals.** CITY MANAGER

SUMMARY OF REQUEST: To approve the proposed 2009/2010 City goals as discussed at the City Commission goal setting session on February 19, 2009.

FINANCIAL IMPACT: Varies, depending on each goal.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the list of proposed goals.

**C. Control System Software Configuration to Terminal Services.** WATER FILTRATION

SUMMARY OF REQUEST: To enter into an agreement with our consultant, Tetra Tech, for programming and software configuration for terminal services at the Water Filtration Plant.

FINANCIAL IMPACT: The cost for this service is \$9,800.

BUDGET ACTION REQUIRED: None, this project is included in the 2009 budget.

STAFF RECOMMENDATION: Staff recommends the Mayor and Commission endorse the proposal from Tetra Tech for programming and software configuration for terminal services at the Water Filtration Plant.

**D. Contract Extension Agreement – One Year Street Sweeping Contract for 2009.** PUBLIC WORKS

SUMMARY OF REQUEST: To enter into a one-year contractual agreement with TRI-US SERVICES, INC. to provide street sweeping services for 2009.

FINANCIAL IMPACT: \$148,981.60 cost for one-year contract. Funds to cover all expenses are budgeted. Trunkline expenses are reimbursed by State funding.

BUDGET ACTION REQUIRED: None; monies appropriated in Highway and State trunkline budgets.

STAFF RECOMMENDATION: Approve request to contract out service for one-year extension as specified in previous contract.

**E. Memorandum of Understanding – Muskegon Public Schools.** PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to sign a Memorandum of Understanding with the Muskegon Public Schools for a Safe Schools/Healthy Students Project. This is a collaborative effort between the Muskegon Public Schools, Muskegon County Community Mental Health, the Family Division of the 14<sup>th</sup> Circuit Court, the State of Michigan Department of Human Services and our police department. By signing this agreement, the department agrees to assist the school district in providing leadership, support and resources to achieve the project priority of implementing a community-wide plan designed to create safe school environments.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

**F. Contractual Agreement – Michigan Department of State.** PUBLIC

## SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into an agreement with the Michigan Department of State whereby the Department of State will provide driver, vehicle, and related information to the City. The purpose for entering into this agreement is to assist code enforcers with obtaining accurate information to meet district court requirements when completing civil infraction citations.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

### **I. Engineering Services (Design & Inspection) for Smith Ryerson Park.** ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into an engineering services agreement with Sidock Group out of Muskegon to provide design and construction management to improve/upgrade Smith Ryerson Park as required by the MDNR's grant for a not to exceed fee of \$49,438.50.

Sidock is being recommended after review and evaluation of proposals from eleven qualified consulting firms. While all proposals were worthy, staff's recommendation focused on experience of the project team on similar projects; reasonableness of the proposed fee and associated hours; scope of services to be provided as well as statement of understanding.

FINANCIAL IMPACT: \$49,438.50 plus an additional 5% of in-house project management.

BUDGET ACTION REQUIRED: None at this time as this project was budgeted for in the 2009 CIP.

STAFF RECOMMENDATION: Authorize staff to enter into an engineering services agreement with Sidock Group.

### **J. Amend the Uniform Agreement with Arrow Uniform.** PUBLIC WORKS

SUMMARY OF REQUEST: Authorize staff to amend the contract with Arrow Uniform to suspend the cleaning service they provide for the shop towels and mats for the period between March 11, 2009, until February 28, 2010, and to extend their contract for the aforementioned services until the end of December 2012 instead of August 2012.

FINANCIAL IMPACT: Minimal; the shop towels and mats are just changing from Arrow Uniform to Model Coverall for most of 2009 to satisfy previous contract on the advice of the City Attorney.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize staff to amend the contract with Arrow Uniform.

**K. Grant Applications for Safety Funds.** ENGINEERING

SUMMARY OF REQUEST: Authorize staff to submit the following projects for possible Safety Funds in 2010:

1. Intersection of Laketon & Henry to improve skid resistance at \$200,000 total cost of which \$50,000 is the local match.
2. Upgrade the traffic signals to box span on Laketon @ Hoyt, Getty and Roberts for an estimated total cost of \$240,000 of which \$60,000 is the local match.

FINANCIAL IMPACT: A local match of \$110,000 (25%) will be required for all projects and will be budgeted for in 2010.

BUDGET ACTION REQUIRED: None at this time; should either or both be approved for grants, they will be listed in the 2010 budget.

STAFF RECOMMENDATION: Authorize staff to submit the application(s).

**L. Maintenance Agreement with Trane for City Hall Chiller.** ENGINEERING

SUMMARY OF REQUEST: Authorize staff to enter into a five-year service agreement with Trane starting May 1, 2009, and ending April 30, 2014, to perform scheduled maintenance such as annual maintenance, operating inspection, oil analysis, condenser wash and vibration analysis on the chiller at City Hall. The five year fee structure is: First year \$2,197; second year \$2,263; third year \$2,263; fourth year \$2,330; and the fifth year \$2,330 for a total contract price of \$11,383.

Trane is being recommended since they are the soul source for the brand of chiller at City Hall.

FINANCIAL IMPACT: The total value of the contract of \$11,383.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Authorize staff to enter into a five-year maintenance contract with Trane starting May 1, 2009, and ending April 30, 2014.

**M. Consideration of Bids for Hackley Avenue, Hudson to Seaway.** ENGINEERING

SUMMARY OF REQUEST: Award the Hackley Street project, H-1560 & W-712, to Felco Contractors out of Muskegon since they were the lowest responsible bidder with a total bid price of \$240,235.50.

FINANCIAL IMPACT: The construction cost of \$240,235.50 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Award the contract to Felco Contractors.

**N. Consideration of Bids for Wood Street, Isabella to Apple.** ENGINEERING

SUMMARY OF REQUEST: Award the Wood Street project, H-1651 & W-716, to Felco Contractors out of Muskegon since they were the lowest responsible bidder with a total bid price of \$116,954.

FINANCIAL IMPACT: The construction cost of \$116,954 plus engineering cost which is estimated at an additional 15%.

BUDGET ACTION REQUIRED: None at this time, however, the first quarter forecast for 2009 will be modified to add the cost for the watermain replacement.

STAFF RECOMMENDATION: Award the contract to Felco Contractors.

**O. Accept Resignation and Make Appointments to Boards and Committees.** CITY CLERK

SUMMARY OF REQUEST: To accept the resignation of Clement Coulombe from the Land Reutilization Committee and appoint Chet Kordecki; appoint Muhammad Hakeem to the CDBG-Citizen's District Council; Catherine Lindland Young to Public Relations; and Leroy Lockhart to the Equal Opportunity Committee.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

**Motion by Commissioner Carter, second by Commissioner Wierengo to approve the Consent Agenda as read minus items G and H.**

**ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron**

**Nays: None**

***MOTION PASSES***

**2009-23 ITEMS REMOVED FROM THE CONSENT AGENDA:**

**G. Liquor License Transfer Request for Kwik-Way Mart, 45 E. Muskegon Avenue.** CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from Almajeed, Inc., to transfer ownership of the 2008 SDD and SDM Licensed Business located at 45 E. Muskegon Avenue from Betak Enterprises III, Inc.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

**Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the liquor license transfer request for Kwik-Way Mart at 45 E. Muskegon from Betak Enterprises III, Inc., to Almajeed, Inc.**

**ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd**

**Nays: None**

***MOTION PASSES***

**H. Gaming License Request – West Michigan Veterans, Inc.** CITY CLERK

SUMMARY OF REQUEST: West Michigan Veterans, Inc. is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License. They have been recognized as a 501(c)(3) organization by the State.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval.

**Motion by Commissioner Spataro, second by Vice Mayor Gawron to approve the Gaming License request from West Michigan Veterans, Inc.**

**ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro**

**Nays: None**

***MOTION PASSES***

**2009-24 PUBLIC HEARINGS:**

**A. Recommendation for Annual Renewal of Liquor Licenses.** CITY CLERK

SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinances for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 23, 2009, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the resolution.

The Public Hearing opened to hear and consider any comments from the public. Comments were heard from Bill Grimm, 4572 W. Giles, representing Muskegon Recreational Club.

**Motion by Commissioner Carter, second by Commissioner Spataro to close the Public Hearing and approve the recommendation for denial of the renewal of the liquor license for Elk's Charity Lodge, City Café, Clay Avenue Cellars, Cuti's Sports Bar & Grill, Muskegon Family Foods, Muskegon Recreational Club, and Wesco Inc.**

**Motion amended by Commissioner Carter, and second amended by Commissioner Spataro to exclude City Café, Cuti's Sports Bar & Grill, and Muskegon Recreational Club until the March 24, 2009, Commission Meeting.**

**ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, Spataro, and Warmington**

**Nays: None**

***MOTION PASSED***

**2009-25 NEW BUSINESS:**

**A. Approval of the 2009-2010 Action Plan. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: To approve the 2009-2010 Action Plan for the City of Muskegon Community Development Block Grant/HOME Partnership Program activity. If the Action Plan is approved, the Community and Neighborhood Services office will continue the comment period of the Action Plan as amended if needed until April 17, 2009.

On or after April 17, 2009, the Community and Neighborhood Services office will deliver the Action Plan to the United States Department of Housing and Urban Development as required in order to request the Release of Funds for the 2009-2010 fiscal year. The final allocation amounts approved by the Action Plan will be amended to the document.

FINANCIAL IMPACT: Action Plan establishes the 2009-2010 Community Development Block Grant and HOME budgets.

BUDGET ACTION REQUIRED: None at this time, budget established by Action Plan.

STAFF RECOMMENDATION: To approve the Action Plan as is or as to be amended by the Commissions final decision.

COMMITTEE RECOMMENDATION: The Commission received both the Citizen District Council and the Administration recommendations.

**Motion by Commissioner Spataro, second by Commissioner Carter to approve the 2009-2010 Action Plan.**

**ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo**

**Nays: None**

***MOTION PASSES***

**B. 2009-2010 CDBG/HOME and City Preliminary Decision. COMMUNITY & NEIGHBORHOOD SERVICES**

SUMMARY OF REQUEST: CDBG/HOME 2009-2010 recommendation, submitted by both the administration and the Citizen's District Council during the public hearing held at the last meeting on February 24, 2009.

In reference to the 2009-2010 CDBG/HOME allocation funding which is designated to be \$984,207 and \$290,049 respectively, excluding any program income and reprogrammed funding.

The Commission is being asked to make their preliminary decision on what items should be funded and at what amounts. The City Commission will be asked to make their final decision on March 24, 2009.

FINANCIAL IMPACT: The 2009-2010 allocations will be based on the City Commission final decision.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Was given to the Commission prior to the Public Hearing.

**Motion by Vice Mayor Gawron, second by Commissioner Shepherd to base the preliminary decision based on the recommendation by the Citizen's District Council for the 2009-2010 CDBG/HOME funds pending our final decision on March 24, 2009.**

**ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski**

**Nays: None**

***MOTION PASSES***

**C. Seasonal and Temporary Services Provider Contract. CIVIL SERVICE**

SUMMARY OF REQUEST: At the February 24, 2009, City Commission meeting, staff requested and received approval to enter into contract negotiations with **GoodTemps** Temporary Staffing Services. Negotiations with **GoodTemps** have not been productive in cost reduction.

As a result, staff is working with another bidder in an effort to obtain a more cost-effective contract with terms agreeable to the City.

FINANCIAL IMPACT: The 2009 projected seasonal and temporary services cost is approximately \$700,000.



BUDGET ACTION REQUIRED: The 2009 budget allowed for the financial resources.

STAFF RECOMMENDATION: Staff requests to update the City Commission on this matter prior to the March 10 meeting.

**Motion by Vice Mayor Gawron, second by Commissioner Wierengo to award the 2009-2011 temporary and seasonal services provider contract to Beacon Services.**

**ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter**

**Nays: None**

***MOTION PASSES***

**D. Padlock Ordinance – 287 McLaughlin. CITY MANAGER**

SUMMARY OF REQUEST: To approve initiating the process to consider padlocking the residence at 287 McLaughlin, pursuant to City Ordinance 26-263 (Padlock Ordinance) and the request of the City's Public Safety Director. It is also requested that the City Commission delegate the responsibility for the hearing required by City Ordinance to a hearing officer and that the City Manager be authorized to appoint such hearing officer.

FINANCIAL IMPACT: Costs associated with holding the hearing required by City ordinance.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve initiation of the process to consider padlocking the residence at 287 McLaughlin, delegate the hearing requirement to a hearing officer, and authorize the City Manager to appoint the hearing officer.

**Motion by Commissioner Spataro, second by Commissioner Shepherd to table any action on enforcing the Padlock Ordinance regarding 287 McLaughlin until the March 24, 2009, City Commission Meeting.**

**ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron**

**Nays: None**

***MOTION PASSES***

**E. 2009-2010 Healthcare Program. FINANCE**

SUMMARY OF REQUEST: It is time to renew the City's healthcare coverage for the 2009-10 plan year. Healthcare costs continue to rise. Renewal rates for the City's current healthcare program initially came in at \$930.99/employee/month, 11.5% higher than the current rate (\$835.19). After going through a bid process

and exploring alternatives, staff recommends renewing coverage through Priority Health, but making several program changes to control costs.

FINANCIAL IMPACT: Current year cost of the healthcare program is \$2,365,258. Renewing the program "as is" would cost \$2,636,564 in the coming year. With implementation of the proposed changes, we estimate annualized costs to be \$2,392,554.

BUDGET ACTION REQUIRED: None at this time. Employee and retiree healthcare costs are included in the 2009 budget.

STAFF RECOMMENDATION: Authorize staff to execute documents with Priority Health implementing the changes outlined in the memorandum.

**Motion by Commissioner Spataro, second by Vice Mayor Gawron to adopt the recommended changes to the Priority Health healthcare coverage plan.**

**ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd**

**Nays: None**

***MOTION PASSES***

**PUBLIC PARTICIPATION:** Comments were heard from the public.

**ADJOURNMENT:** The City Commission Meeting adjourned at 6:37 p.m.

Respectfully submitted,

Ann Marie Becker, MMC  
City Clerk